

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:22-cv-01640-MEMF-KES

Date: February 27, 2024

Title: XINGFEI LUO v. THE PEOPLE OF CALIFORNIA, et al.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PETITIONER:
None Present

ATTORNEYS PRESENT FOR
RESPONDENTS:
None Present

PROCEEDINGS (IN CHAMBERS):

**Order INVITING SUPPLEMENTAL
ANSWER**

On February 22, 2024, Petitioner clarified the content of Claim Thirty-Five, writing as follows: “The Court correctly construes Claim 35 as raising claims that (1) trial counsel provided IAC by not objecting to the jury instruction at CT 146 (Dkt. 3 at 159) as incorrect, and (2) appellate counsel provided IAC by not challenging that jury instruction as incorrect on direct appeal.” (Dkt 60 at 3.)

Respondent answered Claim Thirty-Five as if it were a due process claim. (See Dkt. 50 at 123-26.) Per Petitioner’s clarification above, Claim Thirty-Five is an ineffective assistance of counsel claim only, not a due process claim. **The Court, therefore, invites Respondent to file a supplemental answer to Claim Thirty-Five as an IAC claim by March 27, 2024.**

Initials of Deputy Clerk jd